IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14286 of 2004

Between:

Mir Abid Ali Khan, S/o.Late Mir Mohammed Ali Khan
R/o.H.No.16-2-751, Sayeedabad Hyd. A.P.

..... PETITIONER

AND

1 The Commissioner of Police, Hyderabad.
2 The Inspector of police, Sayeedabad police station, Hyderabad.
3 The Sub Inspector of police, Sayeedabad police station, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of Mandamus or any other appropriate writ order or direction declaring the action of the respondent No.3 in calling the petitioner to police station and interfering with the Civil matter with regard to the lands in S.No. 293, 294, 295 and 296 and building bearing No.16-2-751 situated at Sayeedabad Hyderabad illegal arbitrary and unconstitutional and subsequently the respondents may be directed not to interfere in the civil matter relating to the same in the interest of justice.

Counsel for the Petitioner:MR.MOHD. GHULAM HUSSAIN

Counsel for the Respondent No.: GP FOR HOME

The Court made the following :

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O R D E R:

This writ petition is filed by the petitioner seeking declaration that the alleged action of the 3rd respondent – S.I. of Police in calling the petitioner to the police station and interfering with the lands in survey Nos.293, 294, 295 and 296 together with a building bearing No.16-2-751 situated at Sayeedabad, Hyderabad as arbitrary and illegal.

From the averments in the affidavit filed in support of the writ petition, it appears that certain civil disputes are pending in respect of the said properties. The petitioner alleges that the 3rd respondent on
10-08-2004 called him to the police station through a constable without assigning any reason and he was threatened and forced by the
3rd respondent to give up his claim and withdraw the appeal pending before the Joint collector in connection with the said civil disputes. It is also alleged that the parties who are indulging in illegal constructions on the land in question have approached the 3rd respondent and at their instance, the 3rd respondent is summoning the petitioner to the Police Station and coercing him to give up the claim in respect of the property in question. Hence this Writ petition.

On behalf of the respondents, the 3rd respondent-S.I. of Police, Sayeedabad Police Station, filed a counter affidavit denying all the allegations made by the petitioner. It is further stated that the respondents never threatened and forced the petitioner to give up his claim and withdraw the appeal pending before the Joint collector on the ground that the petitioner would be implicated under fictitious criminal cases. It is also stated that the disputes are purely of civil nature and the police never interfered with the said disputes and that the petitioner made all the false allegations only for the purpose of the writ petition.

In the light of the averments in the counter affidavit which remained unrebutted since

the petitioner has not chosen to file any reply affidavit, no adjudication is necessary on merits. Accordingly recording the statement of the respondents, that they are not interfering with the civil disputes of the petitioner the writ petition is disposed of with a direction to the respondents not to interfere with the civil disputes in respect of the property in question and not to summon the petitioner to the police station except in accordance with law. No costs.

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22-09-2004

mjl/*

1. The Commissioner of Police, Hyderabad.
2 The Inspector of police, Sayeedabad police station, Hyderabad.
3 The Sub Inspector of police, Sayeedabad police station, Hyderabad.

4 2 CCs to G.P for Home, High Court buildings, High Court, Hyd.

5. 2 CD copies.